

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	
	:	NO. 05-00428-RBC
SHIRRON ADAMS	:	

MOTION OF THE UNITED STATES FOR
AN EXTENSION OF TIME TO FILE PLEADING

The United States hereby requests an extension of time until August 4, 2005 to respond to the Court's procedural order of July 25, 2005, requiring the government to indicate how it intends to proceed in this matter.

As grounds therefor, the government submits that it requires the additional time for the following reasons:

1. The medical staff at the SEATAC Federal Detention Center has found that the defendant is currently incompetent and was insane at the time of the offense, and has recommended commitment for treatment "to a secure, structured inpatient facility to allow for strict monitoring of symptoms of psychosis and problematic behaviors." These findings and recommendation, as well as the defendant's pregnancy, present complicated options for all parties involved that will best attempt to ensure the defendant's well-being and the safety of the public. For example, we could proceed to a competency hearing with the possible result that the Court finds her incompetent by a

preponderance of evidence and then must commit her for treatment, under 18 U.S.C. §4241(d), for an additional initial period, not to exceed four months, to determine whether there is a substantial probability that in the foreseeable future the defendant will regain the capacity for the case to proceed. Another option, if the government dismisses the charge, is to proceed directly to a hearing under 18 U.S.C. §4246 relating to the defendant's dangerousness and need for civil commitment. Or perhaps the Commonwealth of Massachusetts or the defendant's family, with or without the defendant's consent, would pursue options to provide the defendant with suitable treatment in an inpatient facility.

2. These issues, and the logistical options available, require more discussion both within the U.S. Attorney's Office, and with defense counsel, who has been so far unavailable.

Therefore, the government requests the additional time to respond. In the alternative, the government would request a status conference within a week to more fully discuss how the case will proceed.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

dated: July 28, 2005

By: /s/ S. Theodore Merritt
S. THEODORE MERRITT
Assistant U.S. Attorney